

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2015 FEB 24 P 3:24

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

CHRISTOPHER SCHOONMAKER and)
JEYMI JULISSA RODRIGUEZ CALDERON,)
)
Plaintiffs,)
)
v.)
)
STATE FARM FIRE AND CASUALTY)
COMPANY,)
)
Defendant.)
_____)

Case No. 1:15-CV-253
(AJT/TCB)

NOTICE OF REMOVAL

COMES NOW the Defendant, State Farm Fire and Casualty Company ("State Farm"), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and files this Notice of Removal to remove this action to this Court from the Circuit Court for the County of Fairfax, Virginia. In support of this Notice, State Farm states the following grounds for removal:

1. On or about January 15, 2015, Plaintiffs Christopher Schoonmaker and Jeymi Julissa Rodriguez Calderon, by counsel, commenced this civil action against State Farm Fire and Casualty Company with the filing of a Complaint in the Circuit Court for the County of Fairfax, Virginia, under the caption *Christopher Schoonmaker and Jeymi Julissa Rodriguez Calderon v. State Farm Fire and Casualty Company*, Case No. CL2015-00590, alleging claims for breach of contract and declaratory judgment and demanding a judgment for compensatory damages in the amount of \$550,000.00. A true copy of the Summons and Complaint is attached hereto as Exhibit 1.

2. This is an action on an insurance policy. Plaintiffs seek a recovery under a Homeowners Policy of insurance issued by State Farm for a residential fire loss that allegedly occurred on April 1, 2013.

3. The Complaint alleges that “Plaintiffs Christopher Schoonmaker and Jeymi Julissa Rodriguez Calderon are citizens of the Commonwealth of Virginia.” (Exhibit 1, Complaint at p. 1, ¶ 1).

4. Defendant State Farm Fire and Casualty Company is and has been at all times relevant hereto an insurance company incorporated under the laws of the State of Illinois, with its principal place of business in Bloomington, Illinois, and therefore a citizen of Illinois.

5. On February 3, 2015, State Farm Fire and Casualty Company’s registered agent was served with the Summons and Complaint attached hereto as Exhibit 1.

6. On February 24, 2015, State Farm Fire and Casualty Company responded to the Complaint with the filing of an Answer. A true copy of State Farm’s Answer to the Complaint is attached hereto as Exhibit 2.

7. 28 U.S.C. § 1446(b)(1) provides in part: “The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.”

8. This Notice of Removal is timely filed within thirty (30) days of service of the summons and complaint upon State Farm’s registered agent in accordance with 28 U.S.C. § 1446(b)(1), and less than one (1) year after commencement of the action in accordance with 28 U.S.C. § 1446(c).

9. A copy of all process, pleadings, and orders served upon State Farm are attached to this Notice of Removal, in accordance with 28 U.S.C. § 1446(a).

10. This civil action is one over which this Court has original jurisdiction on the basis

of diversity of citizenship pursuant to 28 U.S.C. § 1332(a), and removal jurisdiction under 28 U.S.C. § 1441(a). The amount in controversy alleged in the Complaint (\$550,000.00) exceeds \$75,000.00, exclusive of interest and costs, and the action is between citizens of different states – Plaintiffs are citizens of Virginia (as alleged in the Complaint), and Defendant is a citizen of Illinois.

11. State Farm Fire and Casualty Company is this day providing notice of the filing of this Notice of Removal to the Plaintiffs, by counsel, and to the Clerk of the Circuit Court for the County of Fairfax, Virginia, as required by 28 U.S.C. § 1446(d).

12. The United States District Court for the Eastern District of Virginia, Alexandria Division, embraces the place where the state court action is pending, in accordance with 28 U.S.C. § 1441(a).

WHEREFORE, Defendant State Farm Fire and Casualty Company hereby gives notice that this action is removed to the United States District Court for the Eastern District of Virginia, Alexandria Division, from the Circuit Court for the County of Fairfax, Virginia.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

By: /s/ Alexander S. de Witt
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*ATTORNEY FOR DEFENDANT STATE FARM
FIRE AND CASUALTY COMPANY*

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of February, 2015, a true copy of the foregoing
NOTICE OF REMOVAL was served on the following by facsimile and by first-class U.S. mail,
postage prepaid:

C. Thomas Brown, Esquire
Law Offices of Silver & Brown
Red Maple Court
10621 Jones Street, Suite 101
Fairfax, Virginia 22030
Facsimile: (703) 591-5618



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